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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/607,540 | 06/27/2003 | Joseph C. Henson | H19 | 6133 |
| 7590 | 03/08/2005 | | EXAMINER | |
| Michael J. Foycik, Jr. | | | PHAM, MINH CHAU THI | |
| 1718 M St. N.W., #255 | | | | |
| Washington, DC 20036 | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,540

Applicant(s)

HENSON, JOSEPH C.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Keele (5,964,910).

Keele teaches a filter housing (10) for receiving a filter (6) comprising a filter housing (10) having a raised top portion (30) having a plurality of shaped apertures, a first end portion (18) adapted to slidably receive an air filter (6) therein, and the shaped apertures extending along the top portion and the first and second portions (see 30 in Fig. 1, col. 3, lines 21-50, col. 4, lines 20-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keele (5,964,910), in view of Lawlor, Sr. (6,716,267 B2).

Claims 4-7 call for the two sides portions of the filter housing are adjustable in length in order to adapt the air filter housing to fit a variety of air duct sizes. Lawlor, Sr. discloses a filter assembly (12) to be readily installed in various positions within

enclosure (14a) including a filter rack (38) whose length (40) (or width) can expand to match various interior dimensions of enclosure (14a). The filter rack (12) includes two fixed length side members (42, 44) and two adjustable length end members (46, 48) (see 38, 40, 46 & 48 in Figs. 3 & 4, col. 2, line 65 through col. 3, line 7). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the length of frame adjustable as taught by Lawlor, Sr. for the filter housing of Keele since the adjustable frame would fit a variety of air duct sizes.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keele (5,964,910), in view of Gatov (6,817,941 B1).

Claims 8-10 call for the filter housing having a pair of projecting pins adapted for engagement with apertures in the air filter element. Gatov discloses a filter housing (204) having two projecting pins (214) for securing the plate (204). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide projecting pins on filter housing as taught by Gatov in the filter apparatus of Keele since the pins would facilitate attachment of the air filter element into the housing as a fastener means.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Clayton et al (6,623,540 B2) disclose a filter apparatus for HVAC system.
- Shanks et al (6,319,307 B1) discloses commercial air filter.
- Jadran et al (6,241,794 B1) disclose a minivent air filter.

- Danforth (5,947,815) discloses an air register filtering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
March 4, 2005